
SENATE BILL 5064

State of Washington

57th Legislature

2001 Regular Session

By Senators Prentice and Winsley; by request of Gambling Commission

Read first time 01/10/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to cheating at gambling; amending RCW 9.46.196;
2 reenacting and amending RCW 9.94A.320; adding new sections to chapter
3 9.46 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.46.196 and 1991 c 261 s 8 are each amended to read
6 as follows:

7 ((No person participating in a gambling activity shall in the
8 course of such participation, directly or indirectly)) "Cheating," as
9 used in this chapter, means to:

10 (1) Employ or attempt to employ any device, scheme, or artifice to
11 defraud any other participant or any operator;

12 (2) Engage in any act, practice, or course of operation as would
13 operate as a fraud or deceit upon any other participant or any
14 operator;

15 (3) Engage in any act, practice, or course of operation while
16 participating in a gambling activity with the intent of cheating any
17 other participant or the operator to gain an advantage in the game over
18 the other participant or operator; or

1 (4) Cause, aid, abet, or conspire with another person to cause any
2 other person to violate subsections (1) through (3) of this section.

3 (~~Any person violating this section shall be guilty of a gross~~
4 ~~misdemeanor subject to the penalty set forth in RCW 9A.20.021.~~)

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.46 RCW
6 to read as follows:

7 (1) A person is guilty of cheating in the first degree if he or she
8 engages in cheating and:

9 (a) Knowingly causes, aids, abets, or conspires with another to
10 engage in cheating; or

11 (b) Holds a license or similar permit issued by the state of
12 Washington to conduct, manage, or act as an employee in an authorized
13 gambling activity.

14 (2) Cheating in the first degree is a class B felony subject to the
15 penalty set forth in RCW 9A.20.021.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 9.46 RCW
17 to read as follows:

18 (1) A person is guilty of cheating in the second degree if he or
19 she engages in cheating and his or her conduct does not constitute
20 cheating in the first degree.

21 (2) Cheating in the second degree is a gross misdemeanor subject to
22 the penalty set forth in RCW 9A.20.021.

23 **Sec. 4.** RCW 9.94A.320 and 2000 c 225 s 5, 2000 c 119 s 17, and
24 2000 c 66 s 2 are each reenacted and amended to read as follows:

25 TABLE 2

26 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

| | | |
|----|------|--|
| 27 | XVI | Aggravated Murder 1 (RCW 10.95.020) |
| 28 | XV | Homicide by abuse (RCW 9A.32.055) |
| 29 | | Malicious explosion 1 (RCW 70.74.280(1)) |
| 30 | | Murder 1 (RCW 9A.32.030) |
| 31 | XIV | Murder 2 (RCW 9A.32.050) |
| 32 | XIII | Malicious explosion 2 (RCW 70.74.280(2)) |
| 33 | | Malicious placement of an explosive 1 (RCW |
| 34 | | 70.74.270(1)) |

1 XII Assault 1 (RCW 9A.36.011)
2 Assault of a Child 1 (RCW 9A.36.120)
3 Malicious placement of an imitation device
4 1 (RCW 70.74.272(1)(a))
5 Rape 1 (RCW 9A.44.040)
6 Rape of a Child 1 (RCW 9A.44.073)
7 XI Manslaughter 1 (RCW 9A.32.060)
8 Rape 2 (RCW 9A.44.050)
9 Rape of a Child 2 (RCW 9A.44.076)
10 X Child Molestation 1 (RCW 9A.44.083)
11 Indecent Liberties (with forcible
12 compulsion) (RCW 9A.44.100(1)(a))
13 Kidnapping 1 (RCW 9A.40.020)
14 Leading Organized Crime (RCW
15 9A.82.060(1)(a))
16 Malicious explosion 3 (RCW 70.74.280(3))
17 Manufacture of methamphetamine (RCW
18 69.50.401(a)(1)(ii))
19 Over 18 and deliver heroin,
20 methamphetamine, a narcotic from
21 Schedule I or II, or flunitrazepam
22 from Schedule IV to someone under 18
23 (RCW 69.50.406)
24 IX Assault of a Child 2 (RCW 9A.36.130)
25 Controlled Substance Homicide (RCW
26 69.50.415)
27 Explosive devices prohibited (RCW
28 70.74.180)
29 Homicide by Watercraft, by being under the
30 influence of intoxicating liquor or
31 any drug (RCW 79A.60.050)
32 Inciting Criminal Profiteering (RCW
33 9A.82.060(1)(b))
34 Malicious placement of an explosive 2 (RCW
35 70.74.270(2))
36 Over 18 and deliver narcotic from Schedule
37 III, IV, or V or a nonnarcotic, except
38 flunitrazepam or methamphetamine, from

1 Schedule I-V to someone under 18 and 3
2 years junior (RCW 69.50.406)
3 Robbery 1 (RCW 9A.56.200)
4 Sexual Exploitation (RCW 9.68A.040)
5 Vehicular Homicide, by being under the
6 influence of intoxicating liquor or
7 any drug (RCW 46.61.520)

8 VIII Arson 1 (RCW 9A.48.020)
9 Deliver or possess with intent to deliver
10 methamphetamine (RCW
11 69.50.401(a)(1)(ii))
12 Hit and Run--Death (RCW 46.52.020(4)(a))
13 Homicide by Watercraft, by the operation of
14 any vessel in a reckless manner (RCW
15 79A.60.050)
16 Manslaughter 2 (RCW 9A.32.070)
17 Manufacture, deliver, or possess with
18 intent to deliver amphetamine (RCW
19 69.50.401(a)(1)(ii))
20 Manufacture, deliver, or possess with
21 intent to deliver heroin or cocaine
22 (RCW 69.50.401(a)(1)(i))
23 Possession of Ephedrine, Pseudoephedrine,
24 or Anhydrous Ammonia with intent to
25 manufacture methamphetamine (RCW
26 69.50.440)
27 Promoting Prostitution 1 (RCW 9A.88.070)
28 Selling for profit (controlled or
29 counterfeit) any controlled substance
30 (RCW 69.50.410)
31 Theft of Anhydrous Ammonia (RCW 69.55.010)
32 Vehicular Homicide, by the operation of any
33 vehicle in a reckless manner (RCW
34 46.61.520)

35 VII Burglary 1 (RCW 9A.52.020)
36 Child Molestation 2 (RCW 9A.44.086)

1 Dealing in depictions of minor engaged in
2 sexually explicit conduct (RCW
3 9.68A.050)
4 Drive-by Shooting (RCW 9A.36.045)
5 Homicide by Watercraft, by disregard for
6 the safety of others (RCW 79A.60.050)
7 Indecent Liberties (without forcible
8 compulsion) (RCW 9A.44.100(1) (b) and
9 (c))
10 Introducing Contraband 1 (RCW 9A.76.140)
11 Involving a minor in drug dealing (RCW
12 69.50.401(f))
13 Malicious placement of an explosive 3 (RCW
14 70.74.270(3))
15 Sending, bringing into state depictions of
16 minor engaged in sexually explicit
17 conduct (RCW 9.68A.060)
18 Unlawful Possession of a Firearm in the
19 first degree (RCW 9.41.040(1)(a))
20 Use of a Machine Gun in Commission of a
21 Felony (RCW 9.41.225)
22 Vehicular Homicide, by disregard for the
23 safety of others (RCW 46.61.520)
24 VI Bail Jumping with Murder 1 (RCW
25 9A.76.170(2)(a))
26 Bribery (RCW 9A.68.010)
27 Incest 1 (RCW 9A.64.020(1))
28 Intimidating a Judge (RCW 9A.72.160)
29 Intimidating a Juror/Witness (RCW
30 9A.72.110, 9A.72.130)
31 Malicious placement of an imitation device
32 2 (RCW 70.74.272(1)(b))
33 Manufacture, deliver, or possess with
34 intent to deliver narcotics from
35 Schedule I or II (except heroin or
36 cocaine) or flunitrazepam from
37 Schedule IV (RCW 69.50.401(a)(1)(i))
38 Rape of a Child 3 (RCW 9A.44.079)
39 Theft of a Firearm (RCW 9A.56.300)

1 Unlawful Storage of Anhydrous Ammonia (RCW
2 69.55.020)

3 V Abandonment of dependent person 1 (RCW
4 9A.42.060)

5 Advancing money or property for
6 extortionate extension of credit (RCW
7 9A.82.030)

8 Bail Jumping with class A Felony (RCW
9 9A.76.170(2)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 1 (RCW 9A.42.020)

12 Custodial Sexual Misconduct 1 (RCW
13 9A.44.160)

14 Delivery of imitation controlled substance
15 by person eighteen or over to person
16 under eighteen (RCW 69.52.030(2))

17 Domestic Violence Court Order Violation
18 (RCW 10.99.040, 10.99.050, 26.09.300,
19 26.10.220, 26.26.138, 26.50.110,
20 26.52.070, or 74.34.145)

21 Extortion 1 (RCW 9A.56.120)

22 Extortionate Extension of Credit (RCW
23 9A.82.020)

24 Extortionate Means to Collect Extensions of
25 Credit (RCW 9A.82.040)

26 Incest 2 (RCW 9A.64.020(2))

27 Kidnapping 2 (RCW 9A.40.030)

28 Perjury 1 (RCW 9A.72.020)

29 Persistent prison misbehavior (RCW
30 9.94.070)

31 Possession of a Stolen Firearm (RCW
32 9A.56.310)

33 Rape 3 (RCW 9A.44.060)

34 Rendering Criminal Assistance 1 (RCW
35 9A.76.070)

36 Sexual Misconduct with a Minor 1 (RCW
37 9A.44.093)

38 Sexually Violating Human Remains (RCW
39 9A.44.105)

1 Stalking (RCW 9A.46.110)

2 IV Arson 2 (RCW 9A.48.030)

3 Assault 2 (RCW 9A.36.021)

4 Assault by Watercraft (RCW 79A.60.060)

5 Bribing a Witness/Bribe Received by Witness

6 (RCW 9A.72.090, 9A.72.100)

7 Cheating 1 (section 2 of this act)

8 Commercial Bribery (RCW 9A.68.060)

9 Counterfeiting (RCW 9.16.035(4))

10 Escape 1 (RCW 9A.76.110)

11 Hit and Run--Injury (RCW 46.52.020(4)(b))

12 Hit and Run with Vessel--Injury Accident

13 (RCW 79A.60.200(3))

14 Indecent Exposure to Person Under Age

15 Fourteen (subsequent sex offense) (RCW

16 9A.88.010)

17 Influencing Outcome of Sporting Event (RCW

18 9A.82.070)

19 Knowingly Trafficking in Stolen Property

20 (RCW 9A.82.050(2))

21 Malicious Harassment (RCW 9A.36.080)

22 Manufacture, deliver, or possess with

23 intent to deliver narcotics from

24 Schedule III, IV, or V or nonnarcotics

25 from Schedule I-V (except marijuana,

26 amphetamine, methamphetamines, or

27 flunitrazepam) (RCW 69.50.401(a)(1)

28 (iii) through (v))

29 Residential Burglary (RCW 9A.52.025)

30 Robbery 2 (RCW 9A.56.210)

31 Theft of Livestock 1 (RCW 9A.56.080)

32 Threats to Bomb (RCW 9.61.160)

33 Use of Proceeds of Criminal Profiteering

34 (RCW 9A.82.080 (1) and (2))

35 Vehicular Assault (RCW 46.61.522)

36 Willful Failure to Return from Furlough

37 (RCW 72.66.060)

1 III Abandonment of dependent person 2 (RCW
2 9A.42.070)
3 Assault 3 (RCW 9A.36.031)
4 Assault of a Child 3 (RCW 9A.36.140)
5 Bail Jumping with class B or C Felony (RCW
6 9A.76.170(2)(c))
7 Burglary 2 (RCW 9A.52.030)
8 Communication with a Minor for Immoral
9 Purposes (RCW 9.68A.090)
10 Criminal Gang Intimidation (RCW 9A.46.120)
11 Criminal Mistreatment 2 (RCW 9A.42.030)
12 Custodial Assault (RCW 9A.36.100)
13 Delivery of a material in lieu of a
14 controlled substance (RCW
15 69.50.401(c))
16 Escape 2 (RCW 9A.76.120)
17 Extortion 2 (RCW 9A.56.130)
18 Harassment (RCW 9A.46.020)
19 Intimidating a Public Servant (RCW
20 9A.76.180)
21 Introducing Contraband 2 (RCW 9A.76.150)
22 Maintaining a Dwelling or Place for
23 Controlled Substances (RCW
24 69.50.402(a)(6))
25 Malicious Injury to Railroad Property (RCW
26 81.60.070)
27 Manufacture, deliver, or possess with
28 intent to deliver marijuana (RCW
29 69.50.401(a)(1)(iii))
30 Manufacture, distribute, or possess with
31 intent to distribute an imitation
32 controlled substance (RCW
33 69.52.030(1))
34 Patronizing a Juvenile Prostitute (RCW
35 9.68A.100)
36 Perjury 2 (RCW 9A.72.030)
37 Possession of Incendiary Device (RCW
38 9.40.120)

1 Possession of Machine Gun or Short-Barreled
2 Shotgun or Rifle (RCW 9.41.190)
3 Promoting Prostitution 2 (RCW 9A.88.080)
4 Recklessly Trafficking in Stolen Property
5 (RCW 9A.82.050(1))
6 Securities Act violation (RCW 21.20.400)
7 Tampering with a Witness (RCW 9A.72.120)
8 Telephone Harassment (subsequent conviction
9 or threat of death) (RCW 9.61.230)
10 Theft of Livestock 2 (RCW 9A.56.080)
11 Unlawful Imprisonment (RCW 9A.40.040)
12 Unlawful possession of firearm in the
13 second degree (RCW 9.41.040(1)(b))
14 Unlawful Use of Building for Drug Purposes
15 (RCW 69.53.010)
16 Willful Failure to Return from Work Release
17 (RCW 72.65.070)

18 II Computer Trespass 1 (RCW 9A.52.110)
19 Counterfeiting (RCW 9.16.035(3))
20 Create, deliver, or possess a counterfeit
21 controlled substance (RCW
22 69.50.401(b))
23 Escape from Community Custody (RCW
24 72.09.310)
25 Health Care False Claims (RCW 48.80.030)
26 Malicious Mischief 1 (RCW 9A.48.070)
27 Possession of controlled substance that is
28 either heroin or narcotics from
29 Schedule I or II or flunitrazepam from
30 Schedule IV (RCW 69.50.401(d))
31 Possession of phencyclidine (PCP) (RCW
32 69.50.401(d))
33 Possession of Stolen Property 1 (RCW
34 9A.56.150)
35 Theft 1 (RCW 9A.56.030)
36 Theft of Rental, Leased, or Lease-purchased
37 Property (valued at one thousand five
38 hundred dollars or more) (RCW
39 9A.56.096(4))

1 Trafficking in Insurance Claims (RCW
2 48.30A.015)
3 Unlawful Practice of Law (RCW 2.48.180)
4 Unlicensed Practice of a Profession or
5 Business (RCW 18.130.190(7))
6 I Attempting to Elude a Pursuing Police
7 Vehicle (RCW 46.61.024)
8 False Verification for Welfare (RCW
9 74.08.055)
10 Forged Prescription (RCW 69.41.020)
11 Forged Prescription for a Controlled
12 Substance (RCW 69.50.403)
13 Forgery (RCW 9A.60.020)
14 Malicious Mischief 2 (RCW 9A.48.080)
15 Possess Controlled Substance that is a
16 Narcotic from Schedule III, IV, or V
17 or Non-narcotic from Schedule I-V
18 (except phencyclidine or
19 flunitrazepam) (RCW 69.50.401(d))
20 Possession of Stolen Property 2 (RCW
21 9A.56.160)
22 Reckless Burning 1 (RCW 9A.48.040)
23 Taking Motor Vehicle Without Permission
24 (RCW 9A.56.070)
25 Theft 2 (RCW 9A.56.040)
26 Theft of Rental, Leased, or Lease-purchased
27 Property (valued at two hundred fifty
28 dollars or more but less than one
29 thousand five hundred dollars) (RCW
30 9A.56.096(4))
31 Unlawful Issuance of Checks or Drafts (RCW
32 9A.56.060)
33 Unlawful Use of Food Stamps (RCW 9.91.140
34 (2) and (3))
35 Vehicle Prowl 1 (RCW 9A.52.095)

--- END ---